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Jeanne Brashear
MARSHALL, GERSTEIN & BORUN
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, ILLINOIS 60606-6357
SAN DIEGO CA 92121

In re Application of :
ALITALO et al. :
Serial No.: 10/774,802 : Decision on Petition
Filed : February 9, 2004 :
Attorney Docket No.: 28967/34891.1 :

This letter is in response to the Petition under 37 C.F.R. 1.181 and 1.144 filed on March 23, 2007 requesting withdrawal of the restriction requirement.

BACKGROUND

On August 18, 2006, the examiner mailed a restriction requirement in which the original claims 43-93 were divided in 13 groups. The examiner further required applicant to elect a single inhibitor for prosecution on the merits to which the claims shall be restricted.

On October 17, 2006, Applicants elected Group X, Claims 81-84 with traverse based upon the lack of serious burden and relatedness of all groups.

On November 20, 2006, the examiner mailed to applicants a non-final Office action examining Claims 81-84 and made the requirement for restriction FINAL. Despite applicant's traversal, and identical classification for many of the groups, the examiner argues that separate classification for each group demonstrates distinct search and examination.

On March 23, 2007, applicants filed a response to the Office action and this petition to request that the Office reconsider the restriction requirement.

DISCUSSION

The petition and file history have been carefully considered.

The restriction requirement has been reconsidered. In view of reconsideration that in this particular application, it would not pose a serious burden to examine the methods of Groups 1-13 and each of the inhibitors in the same application.

DECISION

The petition is **GRANTED** for the reasons set forth above. Groups 1-9 and 12-13, drawn to claims 43-80 and 85-93, are rejoined with Group 10, claims 81-84, already under examination, and said claims will be examined together.

The application will be forwarded to the examiner for consideration of the response filed 23 March 2007 and action consistent with this decision.

Should there be any questions about this decision, please contact Special Program Examiner Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

A handwritten signature in black ink, appearing to read 'John LeGuyader', with a stylized, flowing script.

John LeGuyader
Director, Technology Center 1600
jb/jg